

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

LAVELLE EVANS,)	
(ID # 1830990),)	
Petitioner,)	
)	
v.)	No. 3:13-CV-021-B (BH)
)	
WILLIAM STEPHENS,)	
Texas Department of Criminal)	
Justice, Correctional Institutions Division,)	
Respondent.)	


ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the motion for relief from final judgment under Rule 60(b) is **CONSTRUED** as a successive petition for writ of habeas corpus under 28 U.S.C. § 2254. The Clerk of the Court is **DIRECTED** to (1) terminate the post-judgment motion in this habeas case; (2) open a new habeas case for administrative purposes only; (3) file the post-judgment motion as a § 2254 petition filed August 27, 2015 in that new case; (4) directly assign the new case to the same District Judge and Magistrate Judge as in this case; (5) file a copy of the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the order accepting those Findings, Conclusions, and Recommendation, and the judgment in that new case; and (6) and without further

judicial action, immediately **TRANSFER** the newly opened § 2254 action to the United States Court of Appeals for the Fifth Circuit.

SIGNED this 6th day of October, 2015.



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE